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SUPPLEMENT

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DIPLOMATIC CORRESPONDENCE BETWEEN THE UNITED STATES AND BELLIGERENT GOVERNMENTS RELATING TO NEUTRAL RIGHTS AND COMMERCE

NOTE—This Supplement is separately paged and sewed, in order that these original texts may be bound by themselves. The index to this volume includes also the Special Supplement for July, 1915.

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NOTICE

The documents published in this volume have been printed from official texts furnished by the Department of State of the United States.

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J. Nr. A8061	The German Ambassador to the Secretary of State.	Dec. 10	Informs him that the Emperor has been pleased to recall Capts. Boy-Ed and von Papen and asks for safe conduct for their return to Germany.	364
	The Secretary of State to the German Ambassador.	Dec. 11	States that the United States Government has requested safe conducts for the return of Capts. Boy-Ed and von Papen to Germany.	365
	The Secretary of State to the German Ambassador.	Dec. 15	Advises him that the British and French Ambassadors have arranged for safe conducts to Capts. Boy-Ed and von Papen for their return to Germany.	365

Recall of Captains Von Papen and Boy-Ed—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Do.....	1915. Dec. 18	Transmits authenticated copies of notes from the British and French Ambassadors, which will be regarded as safe conducts. Passport for each of the gentlemen is also inclosed.	366

Part IX.

Status of Armed Merchant Vessels.

	Department memorandum.	1916. Mar. 25	Memorandum prepared by direction of the President in regard to the status of armed merchant vessels in neutral ports and on the high seas.	367

Part X.

Hovering of British Warships near the Territorial Waters of the United States.

	Collector of Customs, Norman R. Hamilton, to the Secretary of the Treasury.	1915. Nov. 20	Transmits affidavit of Charles Moller, Master of the Danish steamship *Vinland*, describing pursuit of that vessel by a British warship.	373
	The British Ambassador to the Acting Secretary of State.	Nov. 27	Acknowledges letter regarding the following of the Danish ship *Vinland* by a British warship within the three-mile limit.	375
	The British Ambassador to the Secretary of State.	Dec. 1	States that British ships of war employed in the Atlantic have strict orders against the violation of American territorial wa-	375

British Warships near Territorial Waters of United States—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.	ters, which orders he believes to have been carefully observed.	
429	The British Ambassador to the Secretary of State.	Dec. 11	Communicates information as to the steamship *Vinland*.....	376
1016	The Secretary of State to the British Ambassador.	Dec. 16	Reply concerning the steamship *Vinland*.....	376
	The British Ambassador to the Secretary of State.	Dec. 21	Acknowledges receipt of preceding note and states that it has been communicated to his Government.	378
1026	The Secretary of State to the British Ambassador.	Dec. 22	Refers to his note of December 16, 1915, in response to Embassy's note of the 11th instant, relative to the case of the steamship *Vinland*.	378
		1916.		
	The British Ambassador to the Secretary of State.	Mar. 20	Correspondence concerning the steamship *Vinland* case.....	379
1152	The Secretary of State to the British Ambassador.	Apr. 26	States the grounds upon which the objection to the continued presence of belligerent vessels of war in close proximity to American ports is based, and discusses the historical aspects of the American contention.	383

Part XI.

Case of the British Steamship "Appam," Captured by German Naval Forces and Brought by a Prize Crew into an American Port.

J. Nr. A785	German Ambassador to Secretary of State.	Feb. 2	Reports arrival at American port of British S. S. *Appam*, captured by German	387

Case of the British Steamship "Appam"—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1916.	naval forces. Requests internment of a military party of the enemy as well as the crew of the ship.	
	Secretary of State to British Ambassador.	Feb. 3	Inquires whether any of the gentlemen named on list of persons on board the *Appam* are members of His Majesty's armed forces.	388
	Memorandum from the British Embassy.	Feb. 4	Refers to Art. 21 and Art. 23 of the Hague Convention, No. XIII of 1907, and requests that principles be applied to the *Appam*. Requests that if ship is regarded as a prize she be restored to her original owners.	388
	Memorandum from the German Embassy.	Feb. 8	States that the *Appam* must be dealt with according to Art. 19 of Prusso-American Treaty of 1799.	390
	Memorandum from the British Embassy.	Feb. 12	Directs attention to the necessity that adequate precaution be taken to prevent increase in crew or armament, or change in personnel that would augment the force of the *Appam*.	390
	Memorandum from the British Embassy.	Feb. 15	The claims of the British Government are not to be prejudiced by any action by the ship's owners.	391
J. Nr. A1293	German Ambassador to Secretary of State.	Feb. 22	Reports the filing of a libel against the *Appam*, protests against the action of the U. S. court, and asks that the necessary steps be taken to secure prompt dismissal of the libel.	391

Case of the British Steamship "Appam"—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1916.		
	Secretary of State to German Ambassador.	Mar. 2	Discusses the status of the *Appam*, states that U. S. Government considers itself free from any obligation to accord *Appam* privileges stipulated under Art. 19 of the treaty of 1799, and adds that the Attorney General will present to the court a copy of the Ambassador's note.	392
J. Nr. A1829	German Ambassador to Secretary of State.	Mar. 14	States that at this time the proposed removal of vessel to wharf does not seem necessary.	395
J. Nr. A1727	German Ambassador to Secretary of State.	Mar. 16	Proposes that construction of the treaty of 1799 be referred to the Hague Court of Arbitration.	397
	British Ambassador to Secretary of State.	Mar. 31	States that detention of *Appam* under conditions is a violation of American neutrality.	399
	Secretary of State to British Ambassador.	Apr. 4	States that the presence of *Appam* under conditions in American waters is not a violation of the neutrality of the United States.	400
2217	Secretary of State to German Ambassador.	Apr. 7	Discusses application of Art. 19 of treaty of 1799 to case of *Appam;* can not accept proposal to refer construction of the treaty to the Hague Court of Arbitration.	401

Part XII

Interferences by Belligerents With Mails.

No.	From and to whom.	Date.	Subject.	Page.
		1916.		
	The Secretary of State to Ambassador W. H. Page (telegram).	Jan. 4	Instructs Mr. Page to protest to British Government against interferences with mails.	404
	The French Ambassador to the Secretary of State.	Apr. 3	Transmits memorandum from the French and English Governments replying to American protest against interference with mails.	405
85	The British Ambassador to the Secretary of State.	Apr. 3	Transmits memorandum identical with foregoing.	412
1186	The Secretary of State to the British Ambassador.	May 24	Acknowledges memorandum dated February 15, 1916, and says that only a radical change in the present policy restoring to the United States its full rights as a neutral power will satisfy the United States Government.	412
	The Secretary of State to the French Ambassador.	May 24	Same, mutatis mutandis, as above.	412
307	British Ambassador to the Secretary of State.	Oct. 12	Transmits joint memorandum of British and French Governments in reply to the American note of May 24, 1916, regarding the examination of the mails.	418

Part XIII.

Removal of Enemy Subjects from American Vessels.

	The Secretary of State to Ambassador W. H. Page (telegram).	Feb. 23	Instructs him to insist upon release of Germans, Austrians and Turks removed from American steamship *China* by British cruiser *Laurentic*.	427

Removal of Enemy Subjects from American Vessels—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1916.		
3259	Ambassador W. H. Page to the Secretary of State.	Mar. 17	Encloses note from the British Foreign Office in reply to the representations made in compliance with the Department's instructions of Feb. 23, 1916.	428

Part XIV.

Escape of Officers and Men from German Ships Interned in the United States.

		1915.		
1661	The Secretary of State to the German Ambassador.	Nov. 16	Calls attention to facts relating to the escape from time to time of certain paroled officers and men from the *Kronprinz Wilhelm* and the *Prinz Eitel Friedrich.*	433
	The Secretary of State to Ambassador Gerard (telegram).	Nov. 17	Informs him that the German Ambassador has been requested to bring to attention of his Government facts concerning escape of paroled German officers and men from ships interned in United States ports, and to ask for their immediate return to the United States for internment with their respective vessels.	435
J. Nr. A7545	The German Ambassador to the Secretary of State.	Nov. 22	Asks that order to photograph the officers and crews of the interned German cruisers be not enforced.	436
	The Secretary of State to the German Ambassador.	Nov. 23	Gives views of United States in regard to the photographing of the crews of the interned German cruisers.	436

Escape of Men from German Ships Interned in U. S.—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
J. Nr. A7586	The German Ambassador to the Secretary of State.	Nov. 24	Reports on the particulars in connection with the escape of certain officers and men interned on the *Kronprinz Wilhelm* and *Prinz Eitel Friedrich*.	437
2708	Ambassador W. H. Page to the Secretary of State.	Dec. 16	Transmits note from Foreign Office concerning the identity of Lieut. zur See Henry Koch, detained in Edinburgh, together with copy of Koch's letter and the Consul's letter of transmittal.	438
	The Secretary of State to the British Ambassador.	Dec. 22	Gives information concerning Lieut. zur See Henry Koch, detained as a prisoner of war in England who states he has escaped from internment at Norfolk.	440
	The Secretary of State to Ambassador Gerard (telegram).	Dec. 22	Directs him to urge that a prompt reply be made by German Government to the representations made to the German Ambassador, and to report by cable.	440
		1916.		
3046	The Secretary of State to Ambassador W. H. Page.	Jan. 7	Acknowledges receipt of dispatch dated Dec. 16, 1915, and informs him that in view of the breach of parole by Lieut. Koch no representations will be made to the British Government.	441
2496	Ambassador Gerard to the Secretary of State.	Feb. 21	Transmits copy of Foreign Office's Note, dated Feb. 16, 1916, regarding the escape of officers and men from the German auxiliary cruisers *Kronprinz Wilhelm* and *Prinz Eitel Friedrich*.	441

Escape of Men from German Ships Interned in U. S.—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1916.		
	The Secretary of State to Ambassador Gerard (telegram).	Mar. 9	Gives views of the United States Government in connection with escape of interned officers and men and urges immediate reply.	443

Part XV.

Status of American Consular Officers in Belligerent Territory Occupied by Enemy Troops.

		1914.		
308	Ambassador Gerard to the Secretary of State.	Dec. 4	Transmits copy of a note verbale from the German Foreign Office stating the position of the German Government concerning the recognition of consular officers in territory under occupation by the German Army.	445
	The Belgian Minister to the Secretary of State.	Dec. 28	Informs him that the Belgian Government has entered a protest at Berlin, under Article 42 of the 4th Convention of The Hague, concerning the right to cancel exequaturs.	446
		1915.		
425	Ambassador Gerard to the Secretary of State.	Jan. 11	Transmits copy of a note verbale from the German Foreign Office dated Jan. 3, 1915, and a note verbale addressed to the German Foreign Office by the Spanish Embassy at Berlin, relative to the protest of the Belgian Government concerning the recognition of consular officers in territory under occupation by the German Army.	447

American Consular Officers in Belligerent Territory—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	The Secretary of State to Ambassador Gerard (telegram).	Jan. 21	Instructs him to present the accompanying note to the German Government concerning the recognition of consular officers in territory under occupation by the German Army.	448
	The Secretary of State to the Belgian Minister.	Jan. 25	Acknowledges receipt of note in connection with the intention of the German Government to cancel the exequaturs granted by the Belgian Government, etc.	450
898	The Belgian Minister to the Secretary of State.	Feb. 13	Transmits copy of the German Government's reply to the Belgian Government's protest concerning cancellation of exequaturs and also copy of another note from the Belgian Government delivered by the Spanish Embassy at Berlin.	450
664	Ambassador Gerard to the Secretary of State.	Mar. 12	Transmits copy of the reply of the German Foreign Office on the subject of the consular representation of the United States in Belgium.	452
	Ambassador Penfield to the Secretary of State (telegram).	Nov. 13	Reports that permission has been requested by Vice Consul Young to return to Belgrade and ask for ruling by the Department as to whether Vice Consul Young is subordinate to the Embassy at Vienna or the Legation at Bucharest.	453
	Ambassador Penfield to the Secretary of State (telegram).	Nov. 14	Quotes extract of telegram from Vice Consul Young asking for instruction as to whether he should join	453

American Consular Officers in Belligerent Territory—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.	Serbian Government via Italy or remain in Belgrade.	
	The Secretary of State to Ambassador Penfield (telegram).	Nov. 17	Informs him that under existing conditions Vice Consul Young should remain in Belgrade under his supervision.	454
	Ambassador Penfield to the Secretary of State (telegram).	Nov. 20	Reports informal discussion with members of Austro-Hungarian Ministry of Foreign Affairs concerning the status of Vice Consul Young at Belgrade.	454
	The Secretary of State to Ambassador Penfield (telegram).	Nov. 23	Informs him of Department's attitude concerning request made by Austria-Hungary for the withdrawal of the American consulate from Belgrade.	454
	Ambassador Penfield to the Secretary of State (telegram).	Nov. 23	Arrival of Vice Consul Young at Belgrade. Military authorities declare it impossible for him to remain.	455
	Ambassador Penfield to the Secretary of State (telegram).	Dec. 7	Reports the conditions under which the return of Vice Consul Young to Belgrade is consented to by the Austro-Hungarian Government.	456
	The Secretary of State to Ambassador Penfield (telegram).	Dec. 23	Instructs him that Vice Consul Young should make arrangements for the sealing of the archives and closing of consulate at Belgrade.	456
		1916.		
74	Vice Consul Young to the Secretary of State.	Jan. 17	Reports closing of consulate at Belgrade and his arrival in Vienna on Jan. 10, 1916.	457

American Consular Officers in Belligerent Territory—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1916.		
	Ambassador Gerard to the Secretary of State (telegram).	June 14	German Foreign Office inquires as to acceptability of proposed form of recognition of American consul at Warsaw.	458
	The Acting Secretary of State to Ambassador Gerard (telegram).	July 12	German proposal regarding form of recognition of American consul at Warsaw is acceptable to United States Government.	458

Part XVI.

Dual Nationality—Military Service Case of Frank Ghiloni.

		1915.		
	The Secretary of State to Ambassador T. N. Page (telegram).	Jan. 13	Instructs Mr. Page to ask for release of Mr. Ghiloni.	460
	The Secretary of State to Ambassador T. N. Page (telegram).	Jan. 21	Asks for report in the case of Frank L. Ghiloni.	460
	Ambassador T. N. Page to the Secretary of State (telegram).	Jan. 22	States that he has received no reply to his note of the 14th regarding Ghiloni and adds that he is renewing request.	460
	The Secretary of State to Consul Grace (telegram).	Feb. 20	Instructs him to advise Frank Ghiloni that efforts are being made to obtain his release.	461
	The Secretary of State to Ambassador T. N. Page (telegram).	Mar. 25	Inquiries as to the status of the Ghiloni case.....	461
	Ambassador T. N. Page to the Secretary of State (telegram).	Mar. 26	Informs him that he has received no definite reply to his several requests for release of Ghiloni and that he is again urging action.	461
	The Secretary of State to Ambassador T. N. Page (telegram).	May 6	Asks for report as to status of Ghiloni case.....	461

Dual Nationality—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Ambassador T. N. Page to the Secretary of State (telegram).	May 7	States that Ghiloni case is still undecided.	462
	Ambassador T. N. Page to the Secretary of State (telegram).	May 18	Reports that Ministry of War have decided it is impossible to exempt Frank Ghiloni from liability to military service.	462
	The Secretary of State to Ambassador T. N. Page (telegram).	June 7	States facts concerning birth and residence of Frank L. Ghiloni and reasons for his visit to Italy, and instructs him to continue his efforts to secure release.	462
	Ambassador T. N. Page to the Secretary of State (telegram).	June 11	States that Ghiloni case has again been brought to attention of the Foreign Office with request for early reply, but that no reply has been received.	463
	The Secretary of State to Ambassador T. N. Page (telegram).	July 20	Instructs him to ask Italian Government to make a reasonable discrimination in the case of Frank Ghiloni because he was born a citizen of the United States, urging early decision.	463
	Ambassador T. N. Page to the Secretary of State (telegram).	Aug. 13	States that decision in Ghiloni case will soon be made.	464
	Ambassador T. N. Page to the Secretary of State (telegram).	Aug. 18	States the case of Frank Ghiloni is being carefully investigated.	464
362	Ambassador T. N. Page to the Secretary of State.	Aug. 27	States that Ghiloni is not exempted from military service under Art. 12 of the Italian Civil Code, and also transmits copy of notes verbale of May 16 and Aug. 27.	464

Dual Nationality—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	The Secretary of State to Ambassador T. N. Page (telegram).	Sept. 4	Asks for further information concerning Ghiloni case.	466
367	Ambassador T. N. Page to the Secretary of State.	Sept. 4	Expresses hope that Italian Government will relieve Ghiloni from duty on ground of poor health and transmits copy of a note verbale to the foreign office asking for a medical examination of Ghiloni.	467
	Ambassador T. N. Page to the Secretary of State (telegram).	Sept. 5	States that Ghiloni's release has been refused by War Office on ground that he was born prior to his father's naturalization.	468
	The Secretary of State to Ambassador T. N. Page (telegram).	Oct. 23	Asks for report of status of Ghiloni case.	468
	Ambassador T. N. Page to the Secretary of State (telegram).	Oct. 25	States that Ghiloni's release has been definitely refused by military authorities, who state that if he is sick he will receive proper medical treatment from Army surgeons.	468
396	Ambassador T. N. Page to the Secretary of State.	Oct. 25	Transmits copy of a note verbale from the Italian Foreign Office, which note declines to exempt Frank Ghiloni from military service.	469
		1916.		
707	The Secretary of State to Ambassador Penfield.	Jan. 8	Instructs him to present the case of Frank L. Ghiloni to Austro-Hungarian Government and endeavor to secure his release because of his American citizenship.	469

Dual Nationality—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1916.		
	The Secretary of State to Ambassador Penfield (telegram).	Feb. 18	Instructs him to emphasize fact that Frank Ghiloni was born an American citizen and ask for his release and permission to return to this country.	470
	The Secretary of State to Ambassador T. N. Page (telegram—par.).	Feb. 18	Mr. Page is instructed to secure a definite reply in case of Frank Ghiloni and emphasize fact that he was born an American citizen.	471
	Ambassador Penfield to the Secretary of State (telegram).	Mar. 3	States that information has been received that Frank Ghiloni was wounded and taken prisoner in October last and that he is awaiting reply from competent authorities concerning his release.	471
461	Ambassador T. N. Page to the Secretary of State.	Mar. 4	Reports on status of Ghiloni case.	472
	Ambassador Penfield to the Secretary of State (telegram).	Mar. 14	States that ministry asks what guarantee can be given that Frank Ghiloni will not bear arms against monarch or allies during present war in case of his release.	472
1404	Ambassador Penfield to the Secretary of State.	Mar. 16	Transmits copy of a note verbale relative to the case of Frank Ghiloni, and also copy of embassy's note verbale in reply to this communication.	472
	The Acting Secretary of State to Ambassador Penfield (telegram).	Mar. 21	Instructs him to inquire of Foreign Office if Ghiloni's sworn statement that he would not bear arms against monarch or allies would be accepted and, if not, what guarantee would be required.	475

Dual Nationality—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1916.		
309	The Secretary of State to Ambassador T. N. Page.	Mar. 23	Instructs him to ask Italian Government whether Art. 7 of the Italian Law on Citizenship is applicable to persons born in this country of Italian parents, etc.	475
	Ambassador Penfield to the Secretary of State (telegram).	Mar. 27	States that Austro-Hungarian Government can not release Mr. Ghiloni unless Italian Government recognizes his American citizenship.	476
	The Secretary of State to Ambassador Penfield (telegram).	Mar. 31	Instructs him to ask release of Ghiloni upon his sworn statement that he would return immediately to the United States and not leave during continuance of war.	476
	The Secretary of State to Ambassador Penfield (telegram).	Apr. 25	Instructs him to inquire if Austro-Hungarian authorities will release Ghiloni upon his promise suggested and department's assurance that passport will not be issued to him to leave United States during continuation of war.	477
	Ambassador Penfield to the Secretary of State (telegram).	May 5	States that Austro-Hungarian Government agrees to release Ghiloni if he will make a sworn affidavit that he will not bear arms against central powers during the present war.	477
	The Secretary of State to Ambassador Penfield (telegram).	May 8	Department agrees to conditions for the release of Mr. Ghiloni, and says that Department does not believe he would be seized by the entente	478

Dual Nationality—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1916.		
			powers, and if so the United States would demand his immediate release.	
	Ambassador Penfield to the Secretary of State (telegram).	June 19	Reports the release and delivery to the Embassy of Frank Ghiloni.	478